

EXHIBIT A

Defendant.

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2. By way of brief background, Forest is a New York based pharmaceutical company that produces and markets drugs that treat a variety of conditions. Forest has well-established franchises in therapeutic areas of the central nervous system, cardiovascular, and respiratory systems. Forest's blockbuster product is the anti-depressant drug LEXAPRO. LEXAPRO has been prescribed for more than 15 million

adults in the United States for the treatment of depression and generalized anxiety disorder (“GAD”) in adults.

3. The basis for Forest’s request for emergency and temporary injunctive relief is that Defendant is a cybersquatter who (i) is causing actual confusion in the marketplace by leasing the domain name “lexipro.com” to pay-per-click sites who direct consumers who are interested in Forest’s LEXAPRO product to rogue on-line pharmacies who are selling dangerous and unauthorized drugs bearing the name LEXAPRO throughout the United States and the World and (ii) has threatened in writing to transfer the domain name “lexipro.com” to owners of pornographic web sites abroad (outside of the jurisdiction of U.S. courts) unless Forest capitulates to his extortion.

4. On August 20, 2007, Forest moved for a temporary restraining order and preliminary injunction by Order to Show Cause. Forest did not notify the Defendant of its *ex parte* application because of his promise to sell the domain name “lexipro.com” to foreign pornographic entities who would be outside the jurisdiction of this Court. Based on Defendant’s threats, Forest feared that Defendant would transfer or sell the infringing domain name “lexipro.com” before the Court had a chance to temporarily restrain Defendant.

5. On August 20, 2007, the Court Ordered that the parties appear for a hearing before the Court on August 21, 2007 at 12:30 pm. The Court also Ordered that I (i) serve Defendant with the Summons, Complaint, and the supporting order to show cause papers by electronic communication and (ii) notify the Defendant of the August 21, 2007 hearing; and (iii) file a Rule 56(b) Certification on August 21, 2007, attesting to my efforts to provide Defendant notice of this action.

Plaintiff's Compliance With F.R.C.P. 56(b)

6. Pursuant to the Court's Order, on August 20, 2007, I served the Defendant via electronic communication with the Summons, Complaint, and the same supporting order to show cause papers that I filed with the Court that same day. I also provided Defendant notice of the August 21, 2007 hearing and provided him the Court's telephone number so that he could attend the hearing via teleconference, rather than to attend in person.

7. On August 20, 2007, the Defendant sent me an electronic communication and stated that he would call the Court at 12:30 pm and would attend the hearing by telephone.

Dated: August 20, 2007
New York, New York


CHRISTOPHER SERBAGI

EXHIBIT B

christopher serbagi

Sun, Nov 11, 2007 1:41 PM

Subject: Attorney Communication Concerning Lexipro.Com**Date:** Monday, August 20, 2007 7:52 PM**From:** Christopher Serbagi <c.serbagi@earthlink.net>**To:** <leif@properhosting.com>, <nissen.leif@gmail.com>**Conversation:** Attorney Communication Concerning Lexipro.Com

Mr. Leif Nissen:

7800 1st St N

St. Petersburg, Florida 33707

Dear Mr. Nissen:

I am outside trademark litigation counsel for Forest Laboratories, Inc.

I filed the attached papers in New York federal district court today concerning your activities with respect to the domain name "lexipro.com." New York Federal District Court Judge, Laura Taylor Swain, Ordered today that we both appear for a hearing tomorrow, August 21, 2007, at 12:30 pm in her courtroom at 500 Pearl Street, Courtroom 17C, New York, New York. Instead of appearing in person, you may appear by calling Judge Swain's courtroom number at 212-805-7959 at 12:30 pm. on August 21, 2007.

Judge Swain has also Ordered that I serve you with the attached documents (more to follow in separate emails), which I filed in Court today. They will provide you information concerning the basis for our action, which you already know.

Please confirm receipt of this message.

Very truly yours,

Christopher Serbagi

Law Offices of Christopher Serbagi

488 Madison Avenue, Suite 1120

New York, New York 10022

Tele: 212-593-2112

Fax: 212-308-8582

Email: c.serbagi@earthlink.net

JUDGE IRAM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FOREST LABORATORIES, INC.,

Plaintiff,

- against -

LEIF NISSEN,

Defendant.

Index No.

COMPLAINT

JURY TRIAL DEMANDED

07 CV 7399

Plaintiff Forest Laboratories, Inc., by its attorney, Christopher Serbaci, for its complaint against the above-named Defendant, alleges as follows:

NATURE OF ACTION

1. This is an action for cybersquatting, in violation of the AntiCybersquatting Consumer Protection Act ("ACPA"), 15 U.S.C. § 1125(s); federal trademark infringement, in violation of 15 U.S.C. § 1114; dilution of a famous mark, in violation of 15 U.S.C. § 1125(c); false designation of origin under 15 U.S.C. § 1125(a) of the Lanham Act, and other violations of New York law arising from the Defendant's continuing willful infringement of Plaintiff's federally registered and famous trademark LEXAPRO.

JURISDICTION AND VENUE

2. This court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1332, and 1338 and 15 U.S.C. § 1121(a).

3. This Court has personal jurisdiction over the Defendant by virtue of his

manufacturing, mining, and quarrying business in this district.

4 Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and 1391(e).

JUDGE MAHON

FORWARDED BY U.S. District Court Clerk

UNITED STATES DISTRICT COURT

Southern

District of

New York

FORBES LABORATORIES, INC.

SUMMONS IN A CIVIL ACTION

LEIF NISSEN

CASE NUMBER:

TO: (Name and address of Defendant)

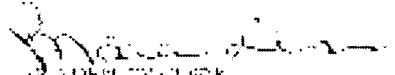
VR. LEIF NISSEN, 7900 1st St. N., St. Petersburg, Florida, 33712

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address) Christopher Sorbagi, Esq., 400 Madison Avenue, Suite 1120, New York, New York 10022. Teler: 212-5911 2112

an answer to the complaint which is served on you with this summons, within twenty days of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

11/26/2007

CLERK

DEPUTY CLERK

NAME

Format m/d/yyyy

Subject: Attorney Communication Concerning Lexipro.Com

Date: Monday, August 20, 2007 7:55 PM

From: Christopher Serbagi <c.serbagi@earthlink.net>

To: "nissen.leif@gmail.com" <nissen.leif@gmail.com>, "leif@properhosting.com" <leif@properhosting.com>

Conversation: Attorney Communication Concerning Lexipro.Com

Dear Mr. Nissen:

Attached are additional documents that go with the electronic communication below.

Very truly yours,

Christopher Serbagi

Mr. Leif Nissen:

7800 1st St N

St. Petersburg, Florida 33707

Dear Mr. Nissen:

I am outside trademark litigation counsel for Forest Laboratories, Inc.

I filed the attached papers in New York federal district court today concerning your activities with respect to the domain name "lexipro.com." New York Federal District Court Judge, Laura Taylor Swain, Ordered today that we both appear for a hearing tomorrow, August 21, 2007, at 12:30 pm in her courtroom at 500 Pearl Street, Courtroom 17C, New York, New York. Instead of appearing in person, you may appear by calling Judge Swain's courtroom number at 212-805-7959 at 12:30 pm. on August 21, 2007.

Judge Swain has also Ordered that I serve you with the attached documents, which I filed in Court today. They will provide you information concerning the basis for our action, which you already know.

Please confirm receipt of this message.

Very truly yours,

Christopher Serbagi

Law Offices of Christopher Serbagi

488 Madison Avenue, Suite 1120

New York, New York 10022

Tele: 212-593-2112

Fax: 212-308-8582

Email: c.serbagi@earthlink.net

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FOREST LABORATORIES, INC.,

Plaintiff,

- against -

LEIF NISSEN,

Defendant.

Index No.

DECLARATION OF ERIC M. AGOVINO

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

ERIC M. AGOVINO, an attorney duly licensed to practice law in the Courts of the State of New York, declares the following facts under penalty of perjury:

1. I am an attorney admitted to practice before the Courts in the State of New York and the Southern District of New York. I submit this declaration in support of Plaintiff's motion for a temporary restraining order and preliminary injunction. No prior application has been made for the same or similar relief sought herein.

2. I am in-house intellectual property counsel for Forest Laboratories, Inc. ("Forest"). My responsibilities include consultation concerning all aspects of Forest's vast intellectual property portfolio.

The Necessity for Emergency Relief

3. Briefly stated, and as set forth in more detail herein, Forest needs

emergency and temporary injunctive relief because the Defendant is a known

Subject: Important Attorney Communication re Lexipro.Com

Date: Monday, August 20, 2007 7:57 PM

From: Christopher Serbagi <c.serbagi@earthlink.net>

To: "leif@properhosting.com" <leif@properhosting.com>, "nissen.leif@gmail.com" <nissen.leif@gmail.com>

Conversation: Important Attorney Communication re Lexipro.Com

Dear Mr. Nissen:

Attached are additional documents that go with the electronic communication below.

Very truly yours,

Christopher Serbagi

Mr. Leif Nissen:

7800 1st St N

St. Petersburg, Florida 33707

Dear Mr. Nissen:

I am outside trademark litigation counsel for Forest Laboratories, Inc.

I filed the attached papers in New York federal district court today concerning your activities with respect to the domain name "lexipro.com." New York Federal District Court Judge, Laura Taylor Swain, Ordered today that we both appear for a hearing tomorrow, August 21, 2007, at 12:30 pm in her courtroom at 500 Pearl Street, Courtroom 17C, New York, New York. Instead of appearing in person, you may appear by calling Judge Swain's courtroom number at 212-805-7959 at 12:30 pm. on August 21, 2007.

Judge Swain has also Ordered that I serve you with the attached documents, which I filed in Court today. They will provide you information concerning the basis for our action, which you already know.

Please confirm receipt of this message.

Very truly yours,

Christopher Serbagi

Law Offices of Christopher Serbagi

488 Madison Avenue, Suite 1120

New York, New York 10022

Tele: 212-593-2112

Fax: 212-308-8582

Email: c.serbagi@earthlink.net

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
FOREST LABORATORIES, INC.,

Plaintiff,

- against -

LEIF NISSEN,

Defendant.
-----X

Index No.

Order to Show Cause for
Temporary Restraining Order
and Preliminary Injunction

Upon the Declaration of Eric M. Agovino and Christopher Serbagi, attorneys for the Plaintiff, dated August 17, 2007 and upon a copy of the Complaint annexed hereto, it is

ORDERED, that the above named Defendant show cause before a motion term of this Court at Room 120, United States Courthouse, 500 Pearl Street, in the City, County and State of New York, on _____, at _____ o'clock, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure, enjoining the Defendant Leif Nissen, during the pendency of this action, from using the domain name "lexipro.com" in any manner on the Internet or in any other manner, including use by others whom Defendant has employed or retained to use the domain name "lexipro.com."

ORDERED that sufficient reason having been shown therefore, pending the hearing of Plaintiff's application for a preliminary injunction, pursuant to Rule 65, Fed. R. Civ. P., the defendant is temporarily Ordered to take all necessary measures to ensure that the domain name "lexipro.com" is not used in any manner on the Internet, including use by others whom Defendant has employed or retained to use the domain name "lexipro.com."

REDACTED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
FOREST LABORATORIES, INC.,

Plaintiff,

- against -

LEIF NISSEN,

Defendant.
-----x

Index No.

DECLARATION OF CHRISTOPHER SERBAGI

STATE OF NEW YORK)

ss:

COUNTY OF NEW YORK)

I CHRISTOPHER SERBAGI, an attorney duly licensed to practice law before this Court, declares the following facts under penalty of perjury:

1. I represent the Plaintiff Forest Laboratories, Inc. in the above-captioned matter and am fully familiar with the facts set forth herein.

2. Attached hereto as Exhibit A is a true and correct copy of a printout of the "about us" page on the web page owned by ENOM, Inc. ("ENOM"). ENOM is the domain name Registrar charged with registering and maintaining the use of the domain name "lexipra.com" for its owner, Defendant Leif Nissen.

3. Attached hereto as Exhibit B is a true and correct copy of a printout from the "whois" section of the web page owned by ENOM, which shows that the Defendant Leif Nissen is the owner of the domain name "lexipra.com."

Subject: FW:

Date: Tuesday, August 21, 2007 11:03 AM

From: Christopher Serbagi <c.serbagi@earthlink.net>

To: Leif Nissen <leif@properhosting.com>, "nissen.leif@gmail.com" <nissen.leif@gmail.com>

Mr. Nissen:

Attached are additional documents I plan to file with the Court today.

Christopher Serbagi

----- Forwarded Message

From: Cassie Zeno <c.zeno@earthlink.net>

Date: Tue, 21 Aug 2007 10:57:01 -0400

To: <c.serbagi@earthlink.net>

Cassie Zeno

*Assistant to Christopher Serbagi
Law Offices of Christopher Serbagi
488 Madison Avenue Suite 1120
New York, NY 10022
Ph: (212) 593-2112
Fx: (212) 308-8582
c.zeno@earthlink.net*

----- End of Forwarded Message

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FOREST LABORATORIES, INC.,

Plaintiff,

Index No. 07 CV 7399

- against -

ERIC NISSEN

Defendant.

**SECOND DECLARATION OF CHRISTOPHER SERBAGI IN SUPPORT OF
PLAINTIFF'S REQUEST FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

STATE OF NEW YORK)

ss: ss

COUNTY OF NEW YORK)

I CHRISTOPHER SERBAGI, an attorney duly licensed to practice law before this Court, declares the following facts under penalty of perjury:

1. I represent the Plaintiff Forest Laboratories, Inc. ("Forest") in the above-captioned matter and am fully familiar with the facts set forth herein. I submit this Declaration in support of Plaintiff's application for a temporary restraining order and preliminary injunction. In particular, I provide herein additional evidence of the Defendant's bad faith efforts to improperly profit from the good will associated with Forest's famous LEXAPRO trademark.

2. Strong evidence of the Defendant's bad faith is set forth in the Declaration of Eric A. Agovino dated August 17, 2007 and the Declaration of Christopher Serbagi, dated

August 20, 2007.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FOREST LABORATORIES, INC.,

Plaintiff,

- against -

LEIF NISSEN,

Defendant.

Index No. 07 CV 7399

PLAINTIFF'S RULE 65(b) ATTORNEY CERTIFICATION

STATE OF NEW YORK)
) ss. s.

COUNTY OF NEW YORK)

I CHRISTOPHER SERBAGI, an attorney duly licensed to practice law before this Court, declares the following facts under penalty of perjury:

1. I represent the Plaintiff Forest Laboratories, Inc. ("Forest") in the above-captioned matter and am fully familiar with the facts set forth herein. I submit this Rule 65(b) Attorney Certification in support of Plaintiff's application for an temporary restraining order and preliminary injunction.

Background Facts

2. By way of brief background, Forest is a New York based pharmaceutical company that produces and markets drugs that treat a variety of conditions. Forest has well established franchises in therapeutic areas of the central nervous system, cardiovascular and respiratory systems. Forest's blockbuster product is the anti-

...the

depressant drug LEXAPRO. LEXAPRO has been prescribed for more than 15 million